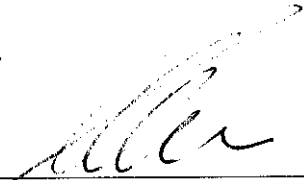


**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

RASHON J. ALLEN,)	
Petitioner,)	Civil Action No. 7:06cv00016
)	
)	
v.)	<u>MEMORANDUM OPINION</u>
)	
)	
UNITED STATES OF AMERICA,)	By: Samuel G. Wilson
Respondent.)	United States District Judge

Petitioner Rashon J. Allen brings this motion to correct his sentence pursuant to 28 U.S.C. § 2255 claiming his sentence is unconstitutional under United States v. Booker, 543 U.S. 220 (2005). Allen has previously filed a § 2255 motion regarding the same conviction and/or sentence. See Allen v. United States, 7:97cv00428 (W.D. Va. 1997). Thus, his current § 2255 motion is successive, and the court may only review it if the Fourth Circuit has authorized Allen to file a successive § 2255 motion. 28 U.S.C. § 2255. Allen does not allege that the Fourth Circuit has authorized him to file a successive motion. Accordingly, the court lacks jurisdiction to review Allen's motion and, therefore, dismisses it.¹

ENTER: This 20th day of January, 2006.


UNITED STATES DISTRICT JUDGE

¹Moreover, the Supreme Court did not make Booker retroactive to cases on collateral review, meaning Allen may not raise a Booker claim in a § 2255 motion. See Booker, 125 S. Ct. at 769.